

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Linda Parker, applicant's representative, on March 25, 2010.

The application has been amended as follows:

The claims have been amended to read:

1. (Currently Amended) An isolated DNA comprising a nucleotide sequence encoding a polypeptide, ~~consisting of an amino acid sequence~~ comprising the amino acid sequence of SEQ ID NO: 2.
2. (Previously Presented) An isolated DNA comprising the nucleotide sequence of SEQ ID NO: 1 and containing the nucleotide sequence that encodes the amino acid sequence of SEQ ID NO: 2.
3. (Cancelled).
4. (Currently Amended) An expression vector, comprising a DNA comprising a nucleotide sequence encoding a polypeptide, ~~consisting of an amino acid sequence~~ comprising the amino acid sequence of SEQ ID NO: 2; or a DNA, comprising the nucleotide sequence SEQ ID NO: 1 and containing the nucleotide sequence that encodes the amino acid sequence of SEQ ID NO: 2.
5. (Original) A transformant, comprising the vector of claim 4.
- 6.-20. (Cancelled).
21. (Currently Amended) A method for producing a protein comprising expressing a protein comprising SEQ ID No. 2 by culturing the transformant according to claim 5 ~~and inducing expression of the DNA~~.

The following is an examiner's statement of reasons for allowance: Applicant's amendment to the claims is sufficient to overcome the pending rejections. SEQ ID Nos. 1 and 2 are free of the prior art. The closest prior art is Sanjanwala, et al. (WO 2002/46426, published June 2002, as cited on the PTO-892 mailed October 18, 2006). Sanjanwala, et al. teach a nucleotide sequence that is 24% identical to the instant SEQ ID No. 1 and encodes an amino acid sequence with 86% identity to the instant SEQ ID No. 2. Sanjanwala, et al. do not teach nor reasonably suggest a nucleotide sequence that is identical to the instant SEQ ID No. 1 or that encodes an amino acid sequence of the instant SEQ ID No. 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Gussow whose telephone number is (571)272-6047. The examiner can normally be reached on Monday - Friday 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anne M. Gussow

March 25, 2010

/Anne M. Gussow/

Examiner, Art Unit 1643

/Larry R. Helms/

Supervisory Patent Examiner, Art Unit 1643